

Entered - 10/26/98 - sb
CL98L0690 - DIANNE C. MITCHELL

00-*R*-1917

CLAIM OF: SHARON LANE
75 Spring Street, SW
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of vehicular damage due to storm water from 1996 through 1997 at 75 Spring Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell by RAG/OCA*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0690

Date: November 16, 2000

Claimant /Victim SHARON A. LANE

BY: (Atty.) (Ins.Co.) _____

Address: 75 Spring Street, SW, Atlanta, Georgia 30303

Subrogation: _____ Claim for Property damage \$ not stated Bodily Injury \$ _____

Date of Notice: 09/03/98 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1996-1997 Place: 75 Spring Street

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her vehicle was damaged due to water cascading down from the bridge above where she parks her vehicle. However, once the claimant knew of the possible damage to her vehicle she failed to take the necessary precautions to remove her vehicle from harms way. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

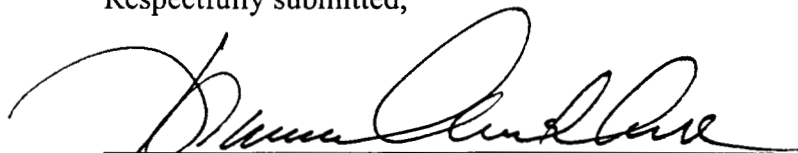
Improper Notice _____ More than Six Months X Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-16-00

Committee Action: _____ Council Action _____

ENTERED - 10-26-98 - SB
98L0690 - DIANNE MITCHELL

Mitchell
10/14/98
DM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
2388 UNITED STATES COURTHOUSE
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303-3361

SEP 03 1998

SHARON A. LANE
JUDICIAL ADMINISTRATIVE ASSISTANT TO
SENIOR JUDGE HORACE T. WARD

(404) 331-2776 (W)
(404) 628-2230 (P)
(404) 331-1534 (FAX)

August 31, 1998

Honorable William "Bill" Campbell
Mayor - City of Atlanta
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335-0300

SEP 03 1998

Dear Sir:

I am in receipt of your letter of August 17, 1998, relative to an interview you afforded "The Atlanta Press" newswk magazine. I found it very informative and factual. I applaud you for stepping forward and addressing those very important issues. However, I felt a surge of anger at one specific issue- the viaduct construction, streets and roads, and, particularly- storm water drains.

Sometime ago, I complained to YOU (personally at an APAB meeting), Mr. Dobbins (who you later referred me to) and Mr. John Hudspeth (unsure of spelling) (referred by Mr. Freddie Wideman) regarding a serious water problem I was experiencing under the M.L. King viaduct where I daily parked.

The complaint: I had been parking for a little over two years in space #65 under the M.L. King bridge/viaduct in the area of the loading dock at the Richard Russell Building. Quite often Atlanta would have periods of heavy rainfall. On these occasions, I noticed a "waterfall" directly above my car in space #65. As the rains continued, the "waterfall" got worse. In order to get into or out of my car, I had to use an umbrella! The space is under the bridge/viaduct where very little water, if any, should fall. As this space was a monthly paid reserved space, I had no choice but to continue to park there through those heavy rain periods.

Mayor Campbell

August 28, 1996

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I later addressed this complaint at one of the APAB meetings you attended by putting it in the form of a written question in which the APAB president asked. At that time you referred me to Mr. Dobbins. At the conclusion of the meeting, I approached you with a brief narrative of the situation. You again referred me to Mr. Dobbins. After speaking with Mr. Dobbins and giving him the location, he stated he would send someone to investigate. This never happened. I continued to complain at each instance I could at several more APAB meetings. To no avail. I called upon your office representative-- still no resolution-- but intentional and deliberate phone transfers to various persons with very little knowledge of what to do, and being placed on hold for lengthy periods of time until an inquiry was made by my employer. The situation escalated after a period of time to the stage of paint erosion on my car. To make sure, I took the car to several automobile paint shops. I spoke with Mr. Dobbins and later Mr. Hudspeth about the water damage to the paint on my car, that legal action should be sought or an investigative reporter from one of the television stations. I was again told someone would be sent to investigate. Still no resolution. I took several photographs of the damaged area on the car, the falling water from the large hole in the drain pipe, and an attempt to get a good photograph of the large hole. What type of pipe could this be-- storm water drain, maybe?

After much frustration, several more calls, no response, and political jargon, I asked for another space. But even then, I was told there were no available spaces, and I had to remain in the space or find parking elsewhere. I could not do this as I am the primary source of transportation for Senior Judge Horace Ward here in our chambers, as I have been for some 15 years (since the death of his wife, who drove for him). (I'm sure you are aware that he does not drive.)

Some two new federal judges, two new magistrate judges, and several retirements later, I received a parking space inside, under the building, but the paint damage had been done. So, you see, sir, I have very little (if any) belief in any of the comments about the storm water drains because of this very instance. I have a car-- apple red car that is discolored on the very top and down to the rear.

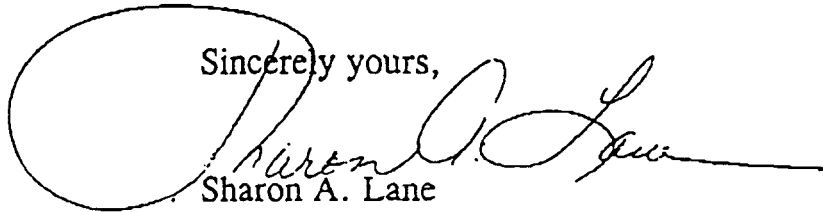
Let to Mayor Campbell
August 28, 1998
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What remedies do I have at this juncture? What relief can your office give regarding the damage to my car which could have been prevented? And yet, Mr. Mayor, the drain pipe remains the same- in need of repair or replacement as of this date!!

I look forward to your earliest response.

With best regards, I am

Sincerely yours,

A large, stylized handwritten signature in dark ink, appearing to read 'Sharon A. Lane', is written over the typed name.

Sharon A. Lane

Judicial Administrative Assistant

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